

Panaji, 12th November, 1987 (Kartika 21, 1909)

SERIES I No. 33

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1-25-86-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the existing recruitment rules for the posts, the Governor of Goa, hereby makes the following rules relating to recruitment to the General Central Service Group 'B' Gazetted posts in the office of Commissioner of Excise, Government of Goa, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Office of the Commissioner of Excise, Group 'B' Gazetted posts, Recruitment Rules, 1987.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

7. These rules are issued with the approval of the Union Public Service Commission granted under their letter No. F.3/29(16)/86-RR dated 12-8-87.

By order and in the name of the Governor of Goa.

N. P. Gannekar, Under Secretary (Personnel).

Panaji, 9th September, 1987.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment		
1	2	3	4	5	6	7	8	9	10	11	12	13		
Superintendent of Excise/Excise Officer.	2 (1987) Subject to variation dependent on workload.	General Central Service Group 'B' Gazetted.	Rs. 2000-60-2300-EB-75-3200-100-3500.	Selection	Not exceeding 30 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	N. A.	<p>Essential:</p> <p>i) Degree of a recognised University or equivalent, preferably in Commerce or Economics.</p> <p>ii) Associate Membership of Institute of Chartered Accountants or equivalent.</p> <p align="center">OR</p> <p>3 years' experience in commercial accounts in Govt. organisation.</p> <p>Note 1: Qualifications are relaxable at the discretion of the U.P.S.C. in case of candidates otherwise well qualified.</p> <p>Note 2: The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p>	No	Two years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<p>Promotion:</p> <p>Inspector of Excise with 8 years' regular service in the grade and who have passed the departmental examination.</p> <p>Transfer on deputation:</p> <p>Officers of the Central / State Govt. or Union Territories Administration —</p> <p>(a)(i) holding analogous posts on regular basis; or</p> <p>(ii) with 3 years of regular service in posts in the scale of Rs. 1640 - 2900; and</p> <p>(b) possessing educational qualification and experience prescribed for direct recruitment in Col. 7.</p> <p>(The departmental officers in the feeder category who are in the direct line of promotion will not be eligible</p>	Group 'B' D. P. C.	<p>i) Chief Secretary — Chairman.</p> <p>ii) Administrative Secretary — Member.</p> <p>iii) Head of Department — Member.</p> <p>Note: The Proceedings of the D.P.C. relating to confirmation shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the D. P. C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.</p>	Selection on each occasion shall be made in consultation with the Commission.

Notification

1/26/76-PER (Vol. IV)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa, hereby makes the following rules relating to recruitment to the Group 'C' Non-Ministerial, Non-Gazetted post in the Office of the Inspector General of Police, Government of Goa, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Office of the Inspector General of Police, Group 'C' Non-Ministerial Non-Gazetted post Recruitment Rules, 1987.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Governor of Goa.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th September, 1987.

for consideration
for appointment
on deputation.
Similarly, depu-
tationists shall
not be eligible
for consideration
for appointment
by promotion.
Period of depu-
tation including
period of depu-
tation in another
ex-cadre post
held immediately
preceding this
appointment in
the same or
some other or-
ganisation / de-
partment shall
ordinarily not
exceed 3 years).

Desirable:

i) Degree in Law.

ii) Knowledge of Kon-
kani and/or Marathi.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotion	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/transfer, what is the position is to be made	If a D.P.C. exists, what is its position	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
Foreman	1	Group 'C' (Non-Casualized, Non-Ministerial).	Rs. 1400-40-1800-FEB-50-2300.	Selection	Not exceeding 30 years. (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	Essential: 1) S.S.C. or equivalent. 2) Diploma in Mechanical Engineering from a recognised institution or equivalent. Desirable: Knowledge of Konkani and/or Marathi.	N.A.	Two years	Promotion, failing which by transfer on deputation and failing both by direct recruitment.	Promotion: Mechanic Grade I with 5 years regular service in the grade. Transfer on deputation: Officials holding analogous posts in any Department/offices under the State Government.	Group 'C' D.P.C.	N.A.

Agriculture Department

ORDER

10/1/79-AGR-Vol. VII

The following order by the Government of India Ministry of Agriculture (Deptt. of Agri. and Coopn), New Delhi, which was published in the extra-ordinary Gazette of India, Part II section 3 sub-section (ii) is hereby republished in the Official Gazette for general information of the public.

i) Order No. 1-4/87-Fert Law dated 14-9-87.

A. P. Panvelkar, Under Secretary to the Govt. of Goa.

Panaji, 30th October, 1987.

No. 1-4/87-Fert. Law

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE
(DEPARTMENT OF AGRICULTURE AND COOPERATION)

New Delhi, the 14th September, 1987.

ORDER

S.O. 822(E). In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1985, namely:—

1. (1) This Order may be called Fertiliser (Control) (Amendment) Order, 1987.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule I to the Fertiliser (Control) Order, 1985, under the heading Part-A. Specifications of fertilisers and sub-heading 1.(b) Straight Phosphatic fertilisers, in serial number 6. Rock-phosphate, for entry (ii), the following entry shall be substituted, namely:—

“(ii) Total phosphate (as P_2O_5) per cent by weight, minimum, - 18.0”.

Sd/-

(J. K. Arora)

Joint Secretary to the Government of India.

Law (Legal and Legislative Affairs) Department

Notification

LD/1/87-(L.A.B.)

The Appropriation (No. 3) Act, 1987 (Act No. 9 of 1987) which was passed by Parliament and assented to by the President of India on 9th May, 1987, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 11th May, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 1st September, 1987.

The Appropriation (No. 3) Act, 1987

AN
ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1987-88.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Appropriation (No. 3) Act, 1987.

2. *Issue of Rs. 233762,77,00,000 out of the Consolidated Fund of India for the year 1987-88.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3

of the Schedule to the Appropriation (Vote on Account), 1987] to the sum of two lakhs thirty three thousand seven hundred and sixty-two crores and seventy-seven lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88 in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

4. *Construction of references to Ministries and Departments in the Schedule.*—References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 10th day of February, 1987 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time.

THE SCHEDULE

(See sections 2, 3 and 4)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Agriculture	Revenue 227,09,00,000	..	227,09,00,000
		Capital 12,34,00,000	260,00,00,000	272,34,00,000
2	Other Services of Department of Agriculture and Co- operation	Revenue 217,04,00,000	..	217,04,00,000
		Capital 129,80,00,000	22,03,00,000	151,83,00,000
3	Department of Agricultural Research and Education	Revenue 172,94,00,000	..	172,94,00,000
4	Department of Rural Development	Revenue 2066,98,00,000	..	2066,98,00,000
		Capital 36,00,000	..	36,00,000
5	Department of Fertilizers	Revenue 2772,63,00,000	1,00,000	2772,64,00,000
		Capital 432,64,00,000	2,73,00,000	435,37,00,000
6	Department of Commerce	Revenue 1014,31,00,000	..	1014,31,00,000
		Capital 226,19,00,000	..	226,19,00,000
7	Department of Supply	Revenue 18,73,00,000	15,00,000	18,88,00,000
8	Ministry of Communications	Revenue 7,35,00,000	..	7,35,00,000
9	Postal Services	Revenue 989,89,00,000	11,00,000	990,00,00,000
		Capital 37,00,00,000	..	37,00,00,000
10	Telecommunication Services	Revenue 1815,70,00,000	50,00,000	1816,20,00,000
		Capital 959,11,00,000	1,00,000	959,12,00,000
11	Ministry of Defence	Revenue 572,51,00,000	..	572,51,00,000
		Capital 140,50,00,000	6,00,00,000	146,50,00,000
12	Defence Pensions	Revenue 703,85,00,000	1,00,000	703,86,00,000
13	Defence Services—Army	Revenue 6607,26,00,000	75,00,000	6608,01,00,000
14	Defence Services—Navy	Revenue 615,48,00,000	2,00,000	615,50,00,000
15	Defence Services—Air Force	Revenue 1647,94,00,000	12,00,000	1648,06,00,000
15-A	Defence Ordnance Factories	Revenue 65,98,00,000	2,00,000	66,00,00,000
16	Capital Outlay on Defence Services	Capital 3970,52,00,000	7,45,00,000	3977,97,00,000
17	Department of Coal	Revenue 130,83,00,000	..	130,83,00,000
		Capital 1188,00,00,000	..	1188,00,00,000
18	Department of Power	Revenue 259,55,00,000	..	259,55,00,000
		Capital 1407,27,00,000	29,30,00,000	1436,57,00,000
19	Department of Non-Conventional Energy Sources	Revenue 96,92,00,000	..	96,92,00,000
		Capital 3,65,00,000	..	3,65,00,000
20	Ministry of Environment and Forests	Revenue 172,24,00,000	..	172,24,00,000
		Capital 2,36,00,000	5,80,00,000	8,16,00,000
21	Ministry of External Affairs	Revenue 325,36,00,000	2,00,000	325,38,00,000
		Capital 75,05,00,000	..	75,05,00,000
22	Department of Economic Affairs	Revenue 389,99,00,000	..	389,99,00,000
		Capital 97,26,00,000	..	97,26,00,000
23	Currency, Coinage and Stamps	Revenue 291,80,00,000	..	291,80,00,000
		Capital 192,00,00,000	2,00,000	192,02,00,000
24	Payments to Financial Institutions	Revenue 339,29,00,000	..	339,29,00,000
		Capital 1394,24,00,000	..	1394,24,00,000
25	Pensions	Revenue 477,32,00,000	9,47,00,000	486,79,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	CHARGED — <i>Interest Payments</i>	Revenue	10650,00,00,000	10650,00,00,000
27	Transfers to State Governments	Revenue	3173,58,00,000	7993,66,00,000
		Capital	85,00,00,000	8440,23,00,000
28	Loans to Government Servants, etc.	Capital	125,00,00,000	125,00,00,000
	CHARGED — <i>Repayment of Debt</i>	Capital	152120,80,00,000	152120,80,00,000
30	Department of Expenditure	Revenue	303,66,00,000	3 03,66,00,000
31	Audit	Revenue	175,32,00,000	3,23,00,000
32	Department of Revenue	Revenue	69,85,00,000	69,85,00,000
		Capital	1,98,00,000	1,98,00,000
33	Direct Taxes	Revenue	138,00,00,000	2,00,000
		Capital	120,00,00,000	120,00,00,000
34	Indirect Taxes	Revenue	303,15,00,000	4,00,000
		Capital	53,59,00,000	53,59,00,000
35	Department of Food	Revenue	2111,66,00,000	1,00,000
		Capital	104,84,00,000	1,00,000
36	Department of Civil Supplies	Revenue	13,57,00,000	13,57,00,000
		Capital	3,47,00,000	3,35,00,000
37	Department of Health	Revenue	349,10,00,000	1,00,000
		Capital	132,79,00,000	2,00,000
38	Department of Family Welfare	Revenue	648,31,00,000	648,31,00,000
		Capital	1,05,00,000	1,05,00,000
39	Ministry of Home Affairs	Revenue	131,02,00,000	2,00,000
40	Cabinet	Revenue	11,43,00,000	11,43,00,000
41	Police	Revenue	985,79,00,000	4,00,000
		Capital	79,10,00,000	5,02,00,000
42	Other Expenditure of the Ministry of Home Affairs	Revenue	186,94,00,000	1,00,000
		Capital	73,41,00,000	10,22,00,000
43	Transfers to Union Territory Governments	Revenue	128,56,00,000	128,56,00,000
		Capital	110,93,00,000	110,93,00,000
44	Department of Education	Revenue	1207,31,00,000	1207,31,00,000
		Capital	50,00,000	3,00,00,000
45	Department of Youth Affairs and Sports	Revenue	84,13,00,000	84,13,00,000
		Capital	3,50,00,000	3,50,00,000
46	Art and Culture	Revenue	105,75,00,000	105,75,00,000
		Capital	20,50,00,000	20,50,00,000
47	Department of Women and Child Development	Revenue	234,77,00,000	234,77,00,000
48	Department of Industrial Development	Revenue	336,58,00,000	9,00,00,000
		Capital	83,62,00,000	3,43,00,000
49	Department of Company Affairs	Revenue	6,33,00,000	22,00,000
		Capital	1,00,000	1,00,000
50	Department of Chemicals and Petro-Chemicals	Revenue	13,68,00,000	13,68,00,000
		Capital	175,00,00,000	175,00,00,000
51	Department of Public Enterprises	Revenue	9,80,00,000	9,80,00,000
		Capital	301,53,00,000	301,53,00,000
52	Ministry of Information and Broadcasting	Revenue	57,51,00,000	57,51,00,000
		Capital	2,91,00,000	2,91,00,000
53	Broadcasting Services	Revenue	373,02,00,000	1,00,000
		Capital	333,95,00,000	10,00,000
54	Ministry of Labour	Revenue	166,78,00,000	1,00,000
		Capital	16,00,000	16,00,000
55	Law and Justice	Revenue	26,82,00,000	2,94,00,000
56	Ministry of Parliamentary Affairs	Revenue	71,00,000	71,00,000
57	Ministry of Personnel, Public Grievances and Pensions	Revenue	32,86,00,000	1,00,000
		Capital	4,00,00,000	4,00,00,000
58	Ministry of Petroleum and Natural Gas	Revenue	5,89,00,000	5,89,00,000
		Capital	435,83,00,000	435,83,00,000
59	Planning	Revenue	11,47,00,000	11,47,00,000
60	Department of Statistics	Revenue	30,76,00,000	30,76,00,000
61	Ministry of Programme Implementation	Revenue	72,00,000	72,00,000
62	Department of Science and Technology	Revenue	151,37,00,000	151,37,00,000
		Capital	8,63,00,000	8,63,00,000
63	Department of Scientific and Industrial Research	Revenue	178,32,00,000	178,32,00,000
		Capital	4,40,00,000	4,40,00,000
64	Department of Biotechnology	Revenue	40,99,00,000	40,99,00,000
65	Department of Steel	Revenue	33,27,00,000	33,27,00,000
		Capital	834,41,00,000	41,01,00,000
66	Department of Mines	Revenue	105,96,00,000	5,00,000
		Capital	269,95,00,000	269,95,00,000
67	Ministry of Textiles	Revenue	413,72,00,000	413,72,00,000
		Capital	250,09,00,000	10,01,00,000
68	Ministry of Tourism	Revenue	25,92,00,000	25,92,00,000
		Capital	14,02,00,000	14,02,00,000
69	Surface Transport	Revenue	20,28,00,000	20,28,00,000
		Capital	112,36,00,000	1,20,00,000
70	Roads	Revenue	249,11,00,000	249,11,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
71	Ports, Lighthouses and Shipping	Capital, 411,01,00,000 Revenue 127,12,00,000	53,77,00,000	464,78,00,000
72	Ministry of Civil Aviation	Capital 294,89,00,000 Revenue 55,86,00,000	..	127,12,00,000
73	Urban Development and Housing	Capital 8,67,00,000 Revenue 67,11,00,000	..	294,89,00,000
74	Public Works	Capital 93,26,00,000 Revenue 142,98,00,000	2,29,00,000	55,86,00,000
75	Stationery and Printing	Capital 70,96,00,000 Revenue 67,40,00,000	17,60,00,000	8,67,00,000
76	Ministry of Water Resources	Capital 3,48,00,000 Revenue 258,55,00,000	..	69,40,00,000
77	Ministry of Welfare	Capital 13,80,00,000 Revenue 259,87,00,000	10,00,000	110,86,00,000
78	Atomic Energy	Capital 70,00,000 Revenue 252,52,00,000	1,00,000	142,98,00,000
79	Nuclear Power Schemes	Capital 485,57,00,000 Revenue 264,09,00,000	..	71,06,00,000
80	Department of Electronics	Capital 293,85,00,000 Revenue 79,06,00,000	..	67,41,00,000
81	Department of Ocean Development	Capital 57,19,00,000 Revenue 24,42,00,000	..	3,48,00,000
82	Department of Space	Capital 2,31,00,000 Revenue 196,63,00,000	2,00,000	258,57,00,000
83	Lok Sabha	Capital 151,46,00,000 Revenue 12,80,00,000	51,40,00,000	252,52,00,000
84	Rajya Sabha	Revenue 4,91,00,000	3,00,000	485,57,00,000
	CHARGED — Staff, Household and Allowances of the President	Revenue ..	1,83,00,000	264,09,00,000
86	Secretariat of the Vice-President	Revenue 16,00,000	..	293,85,00,000
88	CHARGED — Union Public Service Commission	Revenue ..	8,11,00,000	79,06,00,000
	Delhi	Capital 487,01,00,000 Revenue 80,30,00,000	2,79,00,000	57,19,00,000
89	Andaman and Nicobar Islands	Capital 50,69,00,000 Revenue 11,57,00,000	30,20,00,000	24,42,00,000
90	Dadra and Nagar Haveli	Capital 5,34,00,000 Revenue 24,61,00,000	1,00,000	2,31,00,000
91	Lakshadweep	Capital 3,61,00,000 Revenue 102,20,00,000	..	1,00,000
92	Chandigarh	Capital 33,77,00,000	2,37,00,000	50,69,00,000
	Total	53745,44,00,000	180017,33,00,000	50,69,00,000

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department

Legal Affairs Branch

Notification

LD/1/87-L.A.B./335

The Coal Mines Nationalisation Laws (Amendment) Act, 1986 (Act No. 57 of 1986) which was passed by Parliament and assented to by the President of India on 15th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 15-12-1986 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 1st April, 1987.

The Coal Mines Nationalisation Laws (Amendment) Act, 1986 AN ACT

further to amend the Coking Coal Mines (Nationalisation) Act, 1972 and the Coal Mines (Nationalisation) Act, 1973.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1986.

(2) Save as otherwise expressly provided, the amendments to the Coking Coal Mines (Nationalisation) Act, 1972 shall be deemed to have come into force on the 1st day of May, 1972 and the amendments to the Coal Mines (Nationalisation) Act, 1973 shall be deemed to have come into force on the 1st day of May, 1973, and the remaining provisions

of this Act shall be deemed to have come into force on the 7th day of October, 1986.

2. *Amendment of section 4.*—(1) In section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act), sub-section (2) shall be omitted, and shall be deemed to have been omitted with effect from the 1st day of June, 1972. 36 of 1972.

(2) The omission of sub-section (2) of section 4 of the Coking Coal Act by sub-section (1) of this section shall not affect the previous operation of the provisions of the said sub-section (2) or anything duly done or suffered thereunder.

3. *Amendment of section 6.*—In section 6 of the Coking Coal Act,—

(a) in sub-section (1),—

(i) for the words “as if a mining lease”, the words “as if a fresh mining lease” shall be substituted;

(ii) for the words “being the entire period”, the words “shall be the maximum period” shall be substituted;

(b) in sub-section (2), the words “, on the same terms and conditions on which the lease was held on the appointed day,” shall be omitted.

4. *Amendment of section 10.*—Section 10 of the Coking Coal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the First Schedule against any coking coal mine or group of coking coal mines specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, the amount required to be paid to such owner in respect of all coal in stock or other assets referred to in clause (j) of section 3 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coal or other assets.”.

5. *Amendment of section 11.*—Section 11 of the Coking Coal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the Second Schedule against any coke oven plant specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, the amount required to be paid to such owner in respect of all coke in

stock or other assets referred to in clause (b) of section 3 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coke or other assets.”.

6. *Substitution of new section for section 17.*—For section 17 of the Coking Coal Act, the following section shall be substituted, namely:—

“17. *Liability of officer or other employee of a coking coal mine or coke oven plant for transfer to any other coking coal mine or coke oven plant.*—Notwithstanding anything contained in the Industrial Disputes Act, 1947 14 of 1947. or in any other law for the time being in force, the services of any officer or other employee employed in a coking coal mine or coke oven plant shall be liable to be transferred to any other coking coal mine or coke oven plant and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.”.

7. *Amendment of section 21.*—In section 21 of the Coking Coal Act,—

(a) in sub-section (2), the words, figures and letters “, and simple interest at the rate of four per cent. per annum on such amount for the period commencing on the 1st day of April, 1973 and ending on the date of payment of such amount to the Commissioner” shall be inserted at the end;

(b) in sub-section (5), the words, brackets and figure “and shall also be payable to the Commissioner in addition to the sum referred to in sub-section (1)” shall be inserted at the end.

8. *Amendment of section 22.*—In section 22 of the Coking Coal Act,—

(a) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The liabilities of the coking coal mine or the coke oven plant (not being liabilities arising out of advances made by the Central Government or the Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date out of the realisations effected before or after the appointed day or out of advances or borrowings made up to the specified date and every payment so made shall be included in the statement of accounts as on the date immediately before the appointed day indicating therein the period in relation to which the payments were made and the payments so made shall not be called in question in any court:

Provided that the liabilities in relation to the period prior to the appointed day, which have not been discharged on or before the specified

date, shall be the liabilities of the owner of the coking coal mine or the coke oven plant, as the case may be.”;

(b) after sub-section (7), the following sub-section and *Explanation* shall be inserted, namely:—

“(8) The statement of accounts audited under sub-section (6) shall, unless the contrary is proved, be conclusive proof in respect of every matter entered therein.

Explanation.—For the purposes of this section, “statement of accounts” means a statement in the form of receipts and payments, and does not include any statement that may be prepared as a result of the closing and balancing of the books for the preparation of the profit and loss account and balance-sheet or any statement prepared in accordance with the normal commercial practice.”

9. *Substitution of new section for section 25.*—For section 25 of the Coking Coal Act, the following section shall be substituted, namely:—

“25. *Recovery of excess payment made by Central Government or Custodian.*—Any amount in excess of payments over receipts in the statement of accounts prepared under section 22 shall be deemed to be an amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coking coal mine or a coke oven plant during the period in which the management of such mine or plant remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors of the coking coal mine or coke oven plant.

Explanation.—In this section, “Custodian” means the Custodian appointed under the Coking Coal Mines (Emergency Provisions) Act, 1971.”

64 of 1971.

10. *Amendment of section 26.*—In section 26 of the Coking Coal Act, after sub-section (2) and before the *Explanation*, the following sub-section shall be inserted, namely:—

“(3) Where the amount specified in the fifth column of the First Schedule is relatable to a group of coking coal mines, the Commissioner shall have power to apportion such amount among the owners of such group, and in making such apportionment, the Commissioner shall have regard to the highest annual production in the coking coal mine during the three years immediately preceding the appointed day.”

11. *Amendment of section 3.*—(1) In section 3 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the Coal Mines Act),—

26 of 1973.

(a) sub-section (2) shall be omitted, and shall be deemed to have been omitted with effect from the 1st day of June, 1973;

(b) in sub-section (4), the words, brackets and figures “, notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973,” shall be omitted;

15 of 1973

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) If, after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coal mine included in the Schedule or the name and address of the owner of any such coal mine, it may, by notification, correct such error, omission or misdescription and on the issue of such notification, the relevant entries in the Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coal mine shall be made where such ownership is in dispute.”

(2) The omission of sub-section (2) of section 3 of the Coal Mines Act by clause (a) of sub-section (1) of this section shall not affect the previous operation of the provisions of the said sub-section (2) or anything duly done or suffered thereunder.

12. *Amendment of section 4.*—In section 4 of the Coal Mines Act,—

(a) in sub-section (1),—

(i) for the words “as if a mining lease”, the words “as if a fresh mining lease” shall be substituted;

(ii) for the words “the entire period”, the words “the maximum period” shall be substituted;

(b) in sub-section (2), the words “, on the same terms and conditions on which the lease was held, immediately before the appointed day,” shall be omitted.

13. *Amendment of section 8.*—Section 8 of the Coal Mines Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the Schedule against any coal mine or group of coal mines specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, the amount required to be paid to such owner in respect of all coal in stock or other assets referred to in clause (h) of section 2 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coal or other assets.”

14. *Substitution of new section for section 14.*—For section 14 of the Coal Mines Act, the following section shall be substituted, namely:—

"14. *Liability of officer or other employee of a coal mine for transfer to any other coal mine.*—Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the services of any officer or other employee employed in a coal mine shall be liable to be transferred to any other coal mine and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority." 14 of 1947.

15. *Amendment of section 18.*—In section 18 of the Coal Mines Act,—

(a) in sub-section (2), the words, figures and letters "and simple interest at the rate of four per cent. per annum on such amount for the period commencing on the 1st day of July, 1975 and ending on the date of payment of such amount to the Commissioner" shall be inserted at the end;

(b) in sub-section (5), the words, brackets and figure "and shall also be payable to the Commissioner in addition to the sum referred to in sub-section (1)" shall be inserted at the end.

16. *Amendment of section 19.*—In section 19 of the Coal Mines Act,—

(a) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The liabilities of the coal mine (not being liabilities arising out of advances made by the Central Government or the Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date out of the realisations effected before or after the appointed day or out of advances or borrowings made up to the specified date and every payment so made shall be included in the statement of accounts as on the date immediately before the appointed day indicating therein the period in relation to which the payments were made and the payments so made shall not be called in question in any court:

Provided that the liabilities in relation to the period prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the owner of the coal mine.";

(b) after sub-section (7), the following sub-section and *Explanation* shall be inserted, namely:—

"(8) The statement of accounts audited under sub-section (6) shall, unless the contrary is proved, be conclusive proof in respect of every matter entered therein.

Explanation.—For the purposes of this section, "statement of accounts" means a statement in the form of receipts and payments, and does not include any statement that may be prepared as a result of the closing and balancing of the books for the preparation of the profit and loss account and balance-sheet or any statement prepared in accordance with the normal commercial practice."

17. *Substitution of new section for section 25.*—For section 25 of the Coal Mines Act, the following section shall be substituted, namely:—

"25. *Recovery of excess payments made by Central Government or Custodian.*—Any amount in excess of payments over receipts in the statement of accounts prepared under section 19 shall be deemed to be an amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coal mine during the period in which the management of such coal mine remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors of the coal mine, including those referred to in sub-section (2) of section 22.

Explanation.—In this section, "Custodian" means the Custodian appointed under the Coal Mines (Taking Over of Management) Act, 1973."

15 of 1973.

18. *Amendment of section 26.*—In section 26 of the Coal Mines Act, after sub-section (5) and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(6) Where the amount specified in the fifth column of the Schedule is relatable to a group of coal mines, the Commissioner shall have power to apportion such amount among the owners of such group, and in making such apportionment, the Commissioner shall have regard to the highest annual production in the coal mine during the three years immediately preceding the appointed day."

19. *Validation.*—Notwithstanding any judgment, decree, order or direction of any court to the contrary—

(a) every amount paid to the owner of every coking coal mine or group of coking coal mines under section 10, or of every coke oven plant under section 11, of the Coking Coal Act, or to the owner of every coal mine or group of coal mines under section 8 of the Coal Mines Act (hereafter in either case referred to as the owner), shall be deemed to include and be deemed always to have included, the amounts required to be paid to the owner in respect of the coal in stock or other assets, coke in stock or other assets, referred to in clause (j), or clause (b) of section 3 of the Coking Coal Act or, as the case may be, coal in stock or other assets referred to in clause (h) of section 2 of the Coal Mines Act, on the date immediately before the appointed day as if the provisions of section 10, or section

11, of the Coking Coal Act or, as the case may be, section 8 of the Coal Mines Act, as amended by this Act, had been in force at all material times, and no such payment shall be called in question in any court on the ground that it had not included the value of such coal or coke or other assets;

(b) every statement of accounts or supplementary statement of accounts prepared by the Central Government or the Government company under section 22 of the Coking Coal Act or under section 19 of the Coal Mines Act, shall be deemed to have been validly prepared as if the provisions of section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, as amended by this Act, had been in force at all material times, and no such statement of accounts or supplementary statement of accounts shall be called in question in any court on the ground that it had not been prepared in accordance with the normal commercial practice or that any item has or has not been included in such statement,

and accordingly, no suit or other legal proceeding shall be maintained or continued in any court, —

(i) for the recovery of any sum on the ground that the amount paid to the owner under section 10 or section 11 of the Coking Coal Act or under section 8 of the Coal Mines Act, does not include the amounts required to be paid in respect of all coal or coke in stock or other assets referred to in clause (a); or

(ii) for the recovery of any sum as being the excess of receipts over payments on the ground that the statement of accounts or supplementary statement of accounts required to be prepared under section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, had not been prepared in accordance with the normal commercial practice or that any item has or has not been included in such statement.

Explanation. — In this section, —

(a) "appointed day" means, —

(i) in relation to the Coking Coal Act, the 1st day of May, 1972; and

(ii) in relation to the Coal Mines Act, the 1st day of May, 1973;

(b) "receipts" and "payments" means receipts and payments in the statement of accounts prepared under section 22 of the Coking Coal Act or as the case may be, section 19 of the Coal Mines Act.

20. *Repeal and saving.* — (1) The Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986, is hereby re-

Ord.
7 of 1986.

pealed.
(2) Notwithstanding such repeal, anything done or any action taken under the Coking Coal Act or the Coal Mines Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Coking Coal Act or, as the case may be, the Coal Mines Act, as amended by this Act.